APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/207,130	12/08/1998	DANIEL VIERA CONRAD	RA9-98-053	6377

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EXAMINER
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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

	Application No. 09/207,130	Applicant(s) Conrad, et al.
Office Action Summary	Examiner Akiba Robinson-Boyce	Art Unit 2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___3___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Sep 24, 2001* .

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-15* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☐ Notice of References Cited (PTO-892)

16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-3, 5-10, 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by

Binkley, et al (US Patent 5,088,033).

As per claims 1, 2, 7, 8, 9, 14, 15, Binkley, et al discloses:

providing an emulation module.../providing an emulation object.../an emulation

module.../an emulation object...(Col. 3, lines 34-37, Col. 8, lines 62-68);

ensuring that the application will utilize the emulation module.../ensuring that the

application will utilize the emulation object.../means for ensuring.../wherein the application is

capable of utilizing the emulation module in lieu of the device.../emulating the interaction...(Col.

6, line 66-Col. 7, line 4);

executing the application on the development system independently of the point of sale

system.../wherein the application is executed on the system, the emulation module and the

application independently of the point of sale.../wherein the application is executed on the

development system, the emulation module and the application emulate the interaction...(Col. 1,

lines 60-62, Col. 1, line 66-Col. 2, line 1, Col. 2, lines 9-19, Col. 7, lines 32-38, [where the

examiner is interpreting the "development system" and the "point of sale system" of the present

invention to respectively be the "host system" and "target system"of Binkley, et al);

> ensuring that the application adequately utilizes the emulation object...(Col. 2, lines 9-13);
>
> modifying the application...(Col. 1, lines 11-14, Col. 2, lines 13-19).
>
> allowing a developer to provide input...(Col. 50, lines 41-43);
>
> providing the input to the application in a form expected...(Col. 51, lines 3-17).
>
> As per claims 3, 10, Binkley, et al discloses:
>
> wherein the application is platform independent...(Col. 58, line 46-Col. 59, line 10).
>
> As per claim 5, 12, Binkley, et al discloses:
>
> wherein the point of sale equipment includes a driver...(Col. 19, line 67-Col. 20, line 6).
>
> As per claim 6, 13, Binkley, et al discloses:
>
> wherein the emulation object emulates the driver and the device...(Col. 19, lines 11-15,

Col. 19, line 67-Col. 20, line 6).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 4, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Binkley, et al

(US Patent 5,088,033) as applied to claim 1 above, and further in view of Weber (US Patent

5,812, 668).

        As per claims 4, 11, Binkley, et al fails to teach the following, however Weber discloses:

        wherein the application is a JAVA application...(Col. 7, lines 15-17).

It would have been obvious to one of ordinary skill in the art to make the application and the

emulation object platform independent because in a computer environment, applications are

constantly being changed around and depending on these changes and the needs of the user, the

platforms will also need to change in order to fit the environment. It would have been obvious to

one of ordinary skill in the art to make the application and the emulation object JAVA

applications because JAVA is a common, distributed programming language that is simple and is

used for object-oriented programming in the application development art.

Response to Arguments

5.   Applicant's arguments filed 9/24/01 have been fully considered but they are not persuasive.

As per claims 1, 7, 8, 14, 15, the applicant argues that Binkley, et al fails to teach a method,

system or computer readable medium that is used to emulate an interaction between an

application and a point of sale system. However, Binkley, et al discloses a system for emulating

an interaction between a target system and a set of target system devices. Here, the examiner is

interpreting the target system and the target system devices of Binkley, et al as the point of sale

system and the application of the present invention respectively. The applicant also argues that

Binkley, et al fails to teach an emulation module. However, Binkley, et al discloses "a routine

which emulates that device" in col. 8, lines 67-68. Here, the examiner is interpreting the "routine"

of Binkley, et al as the emulation module of the present invention. In addition, Binkley, et al

discloses output I/O requests that contain data about particular devices which need to be

emulated. Here, the examiner is interpreting the output I/O request for a particular device of

Binkley, et al as the emulation object of the present invention.

In addition, the applicant argues that Binkley, et al fails to teach the use of a single

emulation module for a device. However, Binkley, et al does teach this limitation. Binkley, et al

discloses that one routine (module) is used for each individual device depending on the emulation

object (See col. 8, lines 66-68).

As per claims 2-3, 5-6, these claims depend from independent claim 1 and are rejected for

the same reasons as discussed with respect to claim 1.

As per claims 9-10, 12-13, these claims depend from independent claim 8 and are rejected

for the same reasons as discussed with respect to claim 8.

As per claims 4 and 11, these claims depend from independent claims 1 and 8 respectively

and are rejected for the same reasons as discussed with respect to claims 1 and 8. In addition, the

applicant argues that Weber does not mention the use of an emulation object for emulating the

device of the POS system on a development system that is independent of the POS. However, the

combination of the Binkley, et al and Weber references teach the limitations of claims 4 and 11.

As discussed above in the rejection, Binkley, et al discloses the use of an emulation object for

emulating the device of a target system (the POS system) on a development system that is

independent of the target system (POS). The Weber reference was introduced to show that

JAVA applications are commonly used in the context of developing an application on a target

system. It is obvious to combine the Binkley, et al and the Weber references to reject the claims

of the present invention because both references disclose the attempt to operate a remote/target

system and/or execute target system instructions through use of testing and

configuration/emulation.

For the reasons stated above, the examiner has maintained her rejections.

Conclusion

6.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS

from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the

mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on

the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

An inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba Robinson-Boyce whose telephone number is (703) 305-1340. The examiner can normally be reached on Monday-Friday from 6:30 AM-3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3988.

An inquiry of a general nature or relating to the status of this application proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Akiba Robinson-Boyce

Patent Examiner

Group Art Unit 2163

November 28, 2001

TARIQ R. HAFIZ
SUPERVISORY PATENT
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